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July 10, 2024

VIA ECF

The Honorable Sarah J. Netburn  
United States Magistrate Judge  
U.S. District Court for the Southern District of New York  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, New York 10007

***In re Terrorist Attacks on Sept. 11, 2001, Case No. 1:03-md-1570-GBD-SN (S.D.N.Y.)***

Dear Judge Netburn:

Al Rajhi Bank submits this consent letter-motion in response to Your Honor's June 26, 2024 Order directing that "[a]ny party seeking to seal documents" before the Court with respect to the July 31, 2024 oral argument on Saudi Arabia's motion to dismiss should file a letter brief by July 10, 2024.

Plaintiffs with claims against Saudi Arabia have attached to their Averment of Facts and Evidence (ECF No. 9541-1) the following twenty-two documents obtained in discovery against Al Rajhi Bank, all of which are designated as "Confidential" under the MDL Protective Order (ECF No. 1900).

- Averment Ex. 494 – ARB 882, 935, 937, 941, 943, 954, 955, 959.
- Averment Ex. 587 – (Abdullah al Rajhi Exhibit 41) ARB 38699.
- Averment Ex. 588 – (Abdullah al Rajhi Exhibit 36) ARB 38573.
- Averment Ex. 589 – (Abdullah al Rajhi Exhibit 37) ARB 38998-39000.
- Averment Ex. 590 – (Abdullah al Rajhi Exhibit 34) ARB 39505.
- Averment Ex. 591 – Transcript, September 27, 2023 Deposition of Abdullah bin Sulaiman al Rajhi.
- Averment Ex. 592 – (Abdullah al Rajhi Exhibit 34) Chart of accounts.
- Averment Ex. 594 – (Abdullah al Rajhi Exhibit 49) ARB 41454-41463.
- Averment Ex. 595 – ARB 38885.
- Averment Ex. 596 – (Abdullah al Rajhi Exhibit 42) ARB 38878.
- *Averment Ex. 597 – ARB 38995.*
- Averment Ex. 598 – ARB 39001.
- Averment Ex. 599 – (Abdullah al Rajhi Exhibit 45) ARB 38996.
- Averment Ex. 600 – ARB 38978.

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- Averment Ex. 601 – ARB 38979.
- Averment Ex. 602 – (Abdullah al Rajhi Exhibit 46) ARB 39077.
- Averment Ex. 611 – ARB 14546.
- *Averment Ex. 612 – (Abdullah al Rajhi Exhibit 35) ARB 39947.*
- *Averment Ex. 630 – (Abdullah al Rajhi Exhibit 38) ARB 38201.*
- *Averment Ex. 641 – (Abdullah al Rajhi Exhibit 39) ARB 38772.*
- Averment Ex. 651 – (Abdullah al Rajhi Exhibit 32) Chart of accounts.
- *Averment Ex. 662 – (Abdullah al Rajhi Exhibit 40) ARB 38818.*

Al Rajhi Bank does not oppose unsealing Plaintiffs' Averment Exhibits 587, 612, 630, 641, and 662 (noted in italics above).

Al Rajhi Bank moves to seal the remaining seventeen exhibits because they contain (1) private financial information of the Bank's customers and non-parties, including material for which Saudi law prohibits public disclosure; and (2) the Bank's confidential business and trade-secret information. Among these remaining seventeen exhibits is the deposition transcript of the Bank's Chairman, Abdullah bin Sulaiman Al Rajhi, which is attached in its entirety at Plaintiffs' Exhibit 591 and contains confidential material. Plaintiffs' briefs (ECF Nos. 9539 and 9706) opposing the Kingdom's renewed motion to dismiss do not cite this deposition transcript at all, and Plaintiffs' Averment makes only passing reference to a small number of transcript pages, which contain confidential material.

Further to Your Honor's June 26, 2024 Order, counsel for Al Rajhi Bank met and conferred with counsel for Plaintiffs and counsel for the Kingdom of Saudi Arabia to narrow the issues regarding the Bank's motion to seal.

Saudi Arabia does not oppose the Bank's proposal.

Plaintiffs' position is that sealing of the remaining seventeen exhibits is unlikely to be warranted, but that issues relating to their sealing are more properly addressed in the context of addressing public access to judicial documents submitted in connection with Al Rajhi Bank's renewed motion to dismiss (ECF No. 9785). On that basis, and in an effort to limit the scope of the briefing to the Court on sealing disputes relating to the Kingdom's renewed motion, Plaintiffs do not oppose the provisional sealing of the remaining seventeen exhibits at this time. Plaintiffs reserve the right to challenge the continued sealing of those exhibits in the context of Al Rajhi Bank's renewed motion to dismiss, at an appropriate time.

Given the parties' consent at this juncture, Al Rajhi Bank has not further briefed here the arguments in support of its motion to seal the remaining seventeen exhibits, and Plaintiffs have not further briefed here their arguments that the remaining seventeen exhibits should not be sealed. The Bank reserves the right to provide further briefing on these sealing issues, including as to applicable Saudi law (among other issues), at a later time as needed, whether in the context of the Bank's renewed motion to dismiss or otherwise, and Plaintiffs reserve their right to provide further briefing on these issues, whether in the context of the Bank's renewed motion to dismiss or otherwise.

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Accordingly, Al Rajhi Bank respectfully requests that the Court keep under seal the seventeen exhibits identified above.

Respectfully submitted,

*/s/ Nicole Erb*

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cc: Counsel of Record (via ECF)